

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION**

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|---|---|---------------------|
| CARLA MARIE McCLORA, |) | |
| |) | |
| Plaintiff, |) | No. 5:14-cv-441-DCN |
| |) | |
| vs. |) | |
| |) | ORDER |
| CAROLYN W. COLVIN, <i>Acting</i> |) | |
| <i>Commissioner of Social Security,</i> |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

This matter is before the court on Magistrate Judge Kaymani D. West’s Report and Recommendation (“R&R”) that this court reverse and remand Acting Commissioner of Social Security Carolyn Colvin’s decision denying plaintiff Clara Marie McClora’s application for disability insurance benefits and supplemental security income. The Commissioner filed a brief response stating that she would not be filing objections to the R&R.

This court is charged with conducting a de novo review of any portion of the magistrate judge’s R&R to which specific, written objections are made. See 28 U.S.C. § 636(b)(1) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” (emphasis added)); Fed. R. Civ. P. 72(b)(2) (“[A] party may serve and file specific written objections to the proposed findings and recommendations.” (emphasis added)). “Section 636(b)(1) does not countenance a form of generalized objection to cover all issues addressed by the magistrate judge; it contemplates that a party’s objection to a magistrate judge’s report be specific and particularized” United States v. Midgett, 478 F.3d 616, 621 (4th Cir. 2007) (emphasis added); see also Page v. Lee, 337

F.3d 411, 416 n.3 (4th Cir. 2003) (“[P]etitioner’s failure to object to the magistrate judge’s recommendation with the specificity required by [Rule 72(b)] is, standing alone, a sufficient basis upon which to affirm the judgment of the district court . . .”).

The Commissioner’s objection to the R&R consists entirely of the following:

Defendant, by her attorney, the undersigned United States Attorney for the District of South Carolina, hereby notifies the Court that she will not be filing objections to Magistrate Judge West’s Report and Recommendation filed May 13, 2015.

This response should not be construed as a concession by Defendant that her administrative decision denying benefits to Plaintiff was not substantially justified.

Based on the foregoing, the court, being satisfied that there is no clear error on the face of the record, **ADOPTS** the magistrate judge’s R&R, **REVERSES** the Commissioner’s decision, and **REMANDS** the case for further administrative proceedings.

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'D. Norton', written over a horizontal line.

DAVID C. NORTON
UNITED STATES DISTRICT JUDGE

June 3, 2015
Charleston, South Carolina